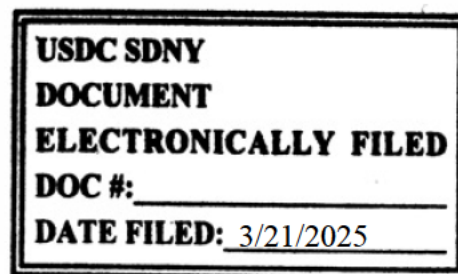


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March 20, 2025

Via CM/ECF Filing

Hon. Margaret M. Garnett
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: STATUS UPDATE

Francois Malherbe et al. v. Oscar Gruss & Son Incorporated, Civil Action No. 1:21-cv-10903-MMG (S.D.N.Y.)

Dear Judge Garnett:

Our office represents Defendant Oscar Gruss & Son, Inc. in the above matter. I write to provide a brief status update concerning an unanticipated development in this case.

On the evening of Friday, March 14, I learned from counsel for a third-party witness in this case that the witness, Dr. Michael Shaoul, recently discovered five documents that are believed to be relevant to this litigation during his review of additional files for an unrelated inquiry. Dr. Shaoul previously submitted a declaration that Oscar Gruss filed in support of its Motion for Summary Judgment and also cited in support of its Response to Plaintiffs' Motion for Summary Judgment. *See* Doc. 101. We further understand that one of the documents is in English and several are in German. Counsel for Oscar Gruss does not possess the documents and has not yet obtained translations of the German language documents.

We understand that counsel for Dr. Shaoul has the documents and will produce them to counsel for all parties – both Oscar Gruss and Plaintiffs. We will be prepared to further update the Court as may be appropriate once we have received and reviewed the documents.

Thank you for Your Honor's attention to this matter. Should you have any questions of the parties or would like to discuss, we are happy to do so.

Respectfully submitted,




Jonathan R. Childers

Copies To: VIA CM/ECF

Richard J.J. Scarola, Esq. (SCAROLA ZUBATOV SCHAFFZIN PLLC)
Christopher W. Patton, Esq.; Joshua D. Lang, Esq. (*of the Firm*)
Michael L. Kinney, Jr. (WIGGIN & DANA LLP)

In light of this unforeseen development, it is hereby ORDERED that the pending summary judgment motions shall be held in abeyance and this action is STAYED. It is further ORDERED that Dr. Shaoul shall promptly produce the recently discovered documents to all parties, and the parties shall file a joint letter, no later than **April 21, 2025**, regarding the impact, if any, of these documents on the parties' summary judgment briefing. To be clear, this letter need not elucidate the substantive effect of the new documents on the pending summary judgment briefing; rather, the letter should set out the parties' positions on whether additional discovery is needed, whether new or supplemental briefing is needed (and, if so, whether the pending motions are withdrawn), and, if so, a proposed schedule for accomplishing these next steps.

SO ORDERED. Date: 3/21/2025.

A handwritten signature in black ink, appearing to read 'Margaret M. Garnett', is written over the printed name.

HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE